

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ARVILLE C. SEIBER,)	
)	
Plaintiff,)	
)	
v.)	3:07-CV-337
)	(PHILLIPS/SHIRLEY)
)	
MICHAEL J ASTRUE,)	
Commissioner)	
of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

The Court has the power “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the [Commissioner], with or without remanding the cause for a rehearing. Shalala v. Schaefer, 509 U.S. 292, 296 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98 (1991). The parties have submitted a Joint Motion for Entry of Judgment with Remand under Sentence Four of 42 United States Code Section 405 (g), and said motion is presently pending before this Court. [Doc. 16]. The parties move for a remand, which would allow the Commissioner an opportunity to reconsider the medical source opinions in the current record and to further evaluate these opinions in light of the plaintiff’s subsequent award of benefits. Accordingly, this Court finds the parties’ Joint Motion [**Doc. 16**] is well-taken and is **GRANTED**.

On remand, the Appeals Counsel will seek advice from medical support staff to determine if an onset date of disability for plaintiff can be established earlier than October 2005, the effective

date of the subsequent award. The Appeals Counsel will also reconsider the medical source opinions of record and issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Procedure.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge